

**In The United States District Court  
For The District of Delaware**

**ORIGINAL**

Mr. Dennis L. Smith Sr.

Petitioner,

VS.

Ms. Patricia A. Meyers, and her son  
Mr. Mack L. Davis Jr., and all of her  
sibling(s),  
Mr. Steven S. Krebs, and his mother  
Ms. Barbara Krebs and any other  
person(s) who Attempt, to "ILLEGALLY  
- "OBSTRUCT - Power of Attorney  
Document Book / No. 00776 page;  
**041 Legal Dated 10-27-03** of the  
Sussex County Delaware Office of the  
{Incumbent} recorder of Deed(s) }

Respondent(s).

C.A. No. 07 – 525 - JJF

Re; Equal - Right(s);

In ref: **Vindication of civil Right(s)**

**Here – under; 42 U.S.C.A § 1988.**

This is not a lawsuit. The sole purpose  
of this is to simply constitutionally  
**enforce 42 U.S.C.A. § 1981(b).** under  
the Law.

**Note: This STAY is also First to this Court**

This Stay **must not** be construed as an  
Appeal.

FILED  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2008 JUN 11 AM 11:53

**Notice of Substantive Motion for STAY**

**STAY** Judge Joseph J. Farnan Jr's **SECOND** illegal Memorandum Order dated **May 14, 2008**, and also the **deceit** therein. Judge Farnan Jr **many time, based on federal recorded record, continue to violate and not respect Federalized Code 28 U.S.C.A. § 144.**, in my case, keep in mind **Federalized Code 42 U.S.C.A. § 1981(a).** Judge Farnan Jr., done these wrongful act(s) and **others as indicated in this motion, without JURISDICTION from the United States Court of Appeals 03<sup>rd</sup> Judicial Circuit.** My civil case **No. 07 – 3999**, is **pending** in the "**Court of Appeals.**" Also for evidence and the safety of my right(s), I **am responding to this illegal Memorandum Order dated May 14, 2008.**

Now Here come(s) Mr. Dennis L. Smith, Pro se moving as Pro se movant, based "**upon further review,**" **WITH RESPECT** and **TRUTH** to this Court, I looked at the fact(s): This Substantive motion shall legally – unequivocally **ISSUE**, due to: **{1}**. In the lawful – constitutional interest of Justice, and to reinstate, my inalienable federally Guaranteed "Equal –

Protection(s) ” to vehement constitutional Elemental – fundamental, **Due Process** privilege in which have been intentionally Erroneously **DENIED** (via) Judge Joseph J. Farnan Jr. who has beyond any shadow of doubt ABUSED his discretion in which – which, is far – far inconsistent, with the mandated, not out dated Elemental fundamentals of “ **Liberty** ” and Equal Justice under the law. {2}. The wrongful intentional despotic, notorious de facto, defunct, vexatious, dismissal of; U.S. District Court of Delaware civil docket No. 07 – 525 – (via) Despotic JJF is / was / is patently – violative and of “ Express ” unconstitutional injustice.

**It is a shame for Judge Joseph J. Farnan Jr., to continue to, attempt to TRICK and DECIEVE me (Petitioner / Appellant ) who is Pro se. This deceit is a violation of my Constitutional Rights.** Therefore, see my Response to Judge Joseph J. Farnan Jr’s **SECOND** illegal Memorandum Order dated **May 14, 2008**, while Judge Farnan Jr continues to violate **Code 28 U.S.C.A. § 144.**, and without **JURISDICTION** from the United States Court of Appeals **03<sup>rd</sup> Judicial Circuit**. My civil case **No. 07 – 3999**. See response below:

**JJF’s paragraph one below:**

JJF stated and I quote: “ WHEREAS, Plaintiff has filed a Notice of Substantive Motion for Stay ( D. I. 18 ) requesting the Court to stay the enforcement of the Memorandum Order issued by the Court on March 5, 2008, dismissing this action;”

**VS.**

**Petitioner / Appellant’s Response to JJF’s above paragraph one above:**

Again, for the record, based on Judge Farnan Jr’s., **FINAL ORDER** dated **September 11, 2007**, which states and I quote, “ The Court **does not** have jurisdiction over his claims. Notably,

Plaintiff's claims are ones where state law, **not federal law**, predominates. Hence, the matters **should be decided by the State Court.** Therefore, **this is one reason** why I initially / first of all, filed an "Appeal" on October 9, 2007, and paid \$ 455.00 which **included a Motion to Stay ( D. I. 6 )**, and therefore, this U.S. District Court had no further **JURISDICTION** and my new civil case number became 07 – 3999, WHICH IS **PENDING** in the United States Court of Appeals 03<sup>rd</sup> Judicial Circuit to date, but I **did not**, I repeat, I **did not** initially / first of all, filed an "Interlocutory Appeal" in this United States **District Court**. Therefore, again Judge Farnan Jr., no long **after** October 9, 2007 had **JURISDICTION** based on Federal law, plain / clear and simple. **I must be treated in accordance** with Federalize Code 42 U.S.C.A § 1981(a). NOT as a slave and/or a Pro se with no rights.

See attached U.S District Court's receipt which also "Appeal" ----- **Exhibit A**

Next in sequence, the United States Court of Appeals 03<sup>rd</sup> Judicial Circuit **AGAIN RESPONDED** to my "**APPEAL**" in their letter dated **December 20, 2007, which** clearly states and I quote, "**Upon further review**, it appears that it would not be appropriate to submit this appeal to the Court for possible jurisdictional dismissal **as you were originally** advised by our letter of October 18, 2007. **Rather**, it appears that your appeal may be appropriate for **POSSIBLE summary action.**"

See Court of Appeals 03<sup>rd</sup> Judicial Circuit's December 20, 2007 letter attaches as ---- **Exhibit B**

Next in sequence, I filed an "Interlocutory Appeal." REQUEST to the United States Court of Appeals 03<sup>rd</sup> Judicial Circuit only, and as affirmed by this court docket, and I quote, "... Appellant Dennis Lee Smith, filed Certificate of Service dated 1/10/08," therefore this Certificate of Service on its face affirms that this REQUEST is addressed to the Court of Appeals 03<sup>rd</sup> Judicial Circuit only, and copies to all **others including the U.S. District Court**

**below as** Federal Court records will show. I filed this “ REQUEST ” because of Judge Farnan Jr’s deceit in his September 11, 2007, as Federal Court records will show, but this “ REQUEST ” has **NOT** been GRANTED by the Court of Appeals 03<sup>rd</sup> Judicial Circuit as **affirmed on April 1, 2008** and it docket.

Therefore, **after** my October 9, 2007 “ **APPEAL** ” **as** the Federal Court records will show, that Judge Farnan Jr., repeatedly violated Federalized Code 28 U.S.C.A. § 144., and without **JURISDICTION** deceived me ( Pro se ) into answering his January 22, 2008, “ Show Cause Order ”, his Memorandum Order which is backdated to indicate March 5, 2007, and his Memorandum Order dated May 14, 2008. **Conclusion at this point**, Judge Farnan Jr’s Memorandum Order dated March 5, 2007 / March 5, 2008 ( **D. I. 18** ), is **unconstitutional**, **unfair**, **illegal** and does not have any “ **ENFORCEMENT** ” as he deceitfully claims. Judge Farnan Jr., is not a part of my **PENDING** October 9, 2007 “ **APPEAL**.” ( **07 – 3999**).

**JJF’s paragraph two below:**

JJF stated and I quote: “ WHEREAS, Plaintiff appears to suggest that the Court is divested of Jurisdiction during the **pendency** of his interlocutory appeal, and therefore, lacked jurisdiction to dismiss his underlying lawsuit;”

**VS.**

**Petitioner / Appellant’s Response to JJF’s above paragraph two above:**

I am not Plaintiff, but I am Petitioner / Appellant. I initially / first of all, filed an “ **Appeal** ” on **October 9, 2007, and paid \$ 455.00 which included a Motion to Stay ( D. I. 6 )**. I did not file and/or an “ interlocutory appeal ” in the U.S. District Court, concerning civil case No. 07 – 525 JJF.

**JJF’s paragraph three below:**

JJF stated and I quote: “ WHEREAS, the filing of an interlocutory appeal from an order denying a preliminary injunction does not prevent the Court from proceeding with the underlying action which may include the dismissal of the underlying claims; United States v. Price, 688 F. 2d 204, 215 ( 3d Cir. 1’982 );”

VS.

**Petitioner / Appellant’s Response to JJF’s above paragraph three above:**

This is a shame, but the truth is I filed an “ APPEAL ” on October 9, 2007 **which included a Motion to Stay ( D. I. 6 )**, from Judge Farnan Jr’s Final Order dated September 11, 2007. Again, I **DID NOT** filed an **interlocutory appeal Request from** this same Final Order dated September 11, 2007, as the Federal Court records will show.

**JJF’s paragraph four below:**

JJF stated and I quote: “ WHEREAS, Plaintiff has clearly stated that he does not wish to have this action proceed in this Court as a civil lawsuit;”

VS.

**Petitioner / Appellant’s Response to JJF’s above paragraph four above:**

Again, I am not Plaintiff, but I am Petitioner / Appellant. Judge Farnan Jr / U.S. District Court received **only copies** of, ( **D. I. 13** ) which on its face and on its “ Certificate of Service dated 1/10/08 ” **affirmed** and made plain and clear that the “ interlocutory appeal **REQUEST** was a request to the Court of Appeals ( **07 – 3999** ) to change my I initial “ **Appeal** ” filed on **October 9, 2007, at** the U.S. District Court, and as of **April 1, 2008** and the Court of Appeals 03<sup>rd</sup> Judicial Circuit’s docket, this request was **NOT** granted by the Court of Appeals, but Judge Farnan Jr illegally, **deceitfully** and unconstitutionally had me to answer his ( **D. I. 14** filed on **1/22/2008** ) “ Show Cause Order,” without **JURISDICTION**.



Based on the fact that Judge Farnan Jr deceived me with his “ Show Cause Order,” therefore, for one reason in my ( **D. I. 15** ), on its face I clearly stated and I quote, “ Requesting that Judge Joseph J. Farnan Jr to Proceed No Further / **28 U.S.C.A § 144.**, in this case.” I know that Judge Farnan Jr know the meaning of **28 U.S.C.A § 144.**

Based on repeated filed Federal records therefore, Judge Farnan Jr also know that I only want “ **Injunctive Relief** ” the same as point out on the face of my Affidavit / Motion filed on August 30, 2007, and this initial civil case No. 07 – 525 JJF **was never a “ lawsuit ”** as point out on the face of this August 30, 2007, document. I only want Ms. Patricia A. Meyers and my mutual July 12, 2006, agreement enforced based on Federalized Code **42 U.S.C.A. § 1981(b).**, as a matter of law. The same as allowed in **42 U.S.C.A. § 1981(a).**

**JJF’s paragraph five below:**

JJF stated and I quote: “ WHEREAS, in any event, the elements for a stay mirror those required for granting **injunctive relief**, Hilton v. Braunskill, 481 U.S. 770, 776 (1987) ( Holding that the factors required for a stay are “ (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies ” ), and the Court has already concluded in the context of denying Plaintiff’s Motion for Preliminary Injunction, that those factors are not met in this case;”

**VS.**

**Petitioner / Appellant’s Response to JJF’s above paragraph five above:**

Therefore, **in sequence**, see Federal recorded records starting from my initial filed Affidavit / Motion filed on August 30, 2007, through to all of my documents filed in the Court of Appeals

( 07 – 3999). This will show the deep, deep deceit of cover – up, concerning Judge Farnan Jr.

**JJF's paragraph six below:**

JJF stated and I quote: “ WHEREAS, Plaintiff has also not offered any new evidence demonstrating that a stay is warranted; “

**VS.**

**Petitioner / Appellant's Response to JJF's above paragraph six above:**

Judge Joseph J. Farnan Jr was without **JURISDICTION** since my October 9, 2007 paid “ **APPEAL**” which is still **PENDING**. Furthermore, again see my response in the paragraph five above. Please keep in mind, **42 U.S.C.A. § 1981(a)**.

**----Footnote Response below ----**

**Petitioner / Appellant's Response to JJF's Footnote # 1, below:**

**Possible** Cover – up / conspiracy issue: It makes no difference as long as this **deceitful** backdated Order appears on Federal Court records as if, Judge Farnan Jr., did not violate Federalize Code **28 U.S.C.A § 144**. Again, past records; therefore, **in sequence**, see Federal recorded records starting from my initial filed Affidavit / Motion filed on August 30, 2007, through to all of my documents filed in the **Court of Appeals ( 07 – 3999)**. This will show the deep, deep deceit of cover – up, concerning Judge Farnan Jr. Question can we **all** truly believe **beyond a reasonable doubt** that this backdated Order is only a “ **clerical error.**” Also, my “ April 4, 2008 ” letter which I have a Certified Return Receipt **numbered** 7007 0220 0001 0621 8181, which contains a signed and printed agent's name from the **Court of Appeals( 07 – 3999)**, therefore the Original and Three copies sent to the **Court of Appeals**, somehow to date was affirmed lost. Can we **all** truly believe **beyond a reasonable doubt** that my April 4, 2008, got lost and not part of a cover – up to help Judge Farnan Jr, concerning the “ **Appeal** ” issue ?

This “ **lost** ” of my April 4, 2008 letter, with Certified No. 7007 0220 0001 0621 8181, on its Face allowed the Court of Appeals agent **Ms. Chiquita Dyer** to write a letter date **May 13, 2008** attempting to construed my “ Notice of Substantive Motion for STAY ” as an “ APPEAL ” this new appeal attempt / civil case number attempt would cover – up **all** of Judge Farnan Jr’s deceit starting from my initial a “ APPEAL ” on October 9, 2007.

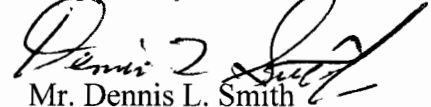
Court of Appeals agent **Ms. Chiquita Dyer** clearly indicates at the bottom of her May 13, 2008 letter that I ( Dennis L. Smith) was sent a copy of this letter, but the fact is as of this day and/or to date, I never received a copy. Therefore, can we **all** truly believe **beyond a reasonable doubt** that this is **some type of error also** and not a violation of Federalized Code **42 U.S.C.A. § 1981(a)** ? See attached copy of this May 13, 2008 letter ----- **Exhibit C**

**Petitioner / Appellant’s Response to JJF’s Footnote # 2, below:**

Judge Farnan Jr clearly states and I quote, “ The Court has also received notice from the Third Circuit ( D. I. 21 ) that the Motion is to be treated as a Notice of Appeal, in addition to a request for a stay.” Clearly this is what Judge Farnan Jr., was hoping for and need to cover – up my October 9, 2007 Appeal, this October 9, 2007 Appeal 07 – 3999, will expose the truth about Judge Farnan Jr’s deceit and/or twisting the truth into a lie. **This is a shame, I am Pro se.**

It is my constitutional right(s) to request **enforcement** under Federalized Code **42 U.S.C.A. § 1981(b)**., of Ms. Patricia A. Meyers and my mutual July 12, 2006 agreement and It is also my constitutional right(s) to be treated in accordance with Federalized Code **42 U.S.C.A. § 1981(a)**., without racial deceit.

Respectfully Submitted

  
Mr. Dennis L. Smith

Cc: See Attached “ **Certificate of Service** ”



June 11 2008  
Date

**CERTIFICATE OF SERVICE**

I hereby certify that two true copies of my **Notice of Substantive Motion to STAY Judge Joseph J. Farnan Jr's illegal Memorandum Order, dated May 14, 2008** have been certified mailed or hand delivered on this 11 day of June 2008, to the Court and Respondent(s) at the following addresses:

The Third Judicial – Circuit of ---- Note: -----  
Federal – Appeals\_  
Ms. Marcia M. Waldron  
21400 United States “ Court – House ”  
601 Market Street  
Philadelphia, PA 19106 – 1790

A letter to this Appeals Court will  
**Enclosed** this Substantive Motion  
to STAY dated May 14, 2008  
**Express Mail No. EQ 800925935 US**

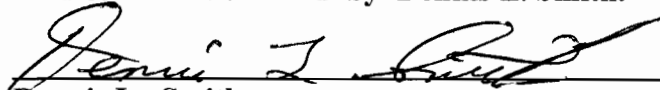
**Staff of Chief Judge Gregory M. Sleet**  
Staff of Judge Joseph J. Farnan Jr., --- **28 U.S.C.A § 144.**  
**§ 1331 § 1343** Viably – Pending.,  
Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware 19801 – 3570  
**Certified Mail No. 7007 0220 0001 0621 8488**

Ms. Patricia A. Meyers, and her Son,  
Mr. Mack L. Davis Jr., and  
all of her sibling(s)  
RR 4 Box 103A  
Frankford, Delaware 19945  
**Certified Mail No. 7007 0220 0001 0621 8495**

Mr. Steven S. Krebs and  
his Mother Ms. Barbara Krebs  
P.O. Box 796  
Selbyville, Delaware 19975  
**Certified Mail No. 7007 0220 0001 0621 8501**

For Verification purpose(s) only;  
John Brady  
Recorder of Deeds  
2 The Circle  
P. O. Box 827  
Georgetown, Delaware 19947  
**Certified Mail No. 7007 0220 0001 0621 8518**

**All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.**

  
Dennis L. Smith

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DENNIS LEE SMITH,	:	
	:	
Plaintiff,	:	Civil Action No. 07-525-JJF
	:	
v.	:	
	:	
PATRICIA A. MEYERS, MACK L.	:	
DAVIS, JR., STEVEN S. KREBS	:	
and BARBARA KREBS,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

WHEREAS, Plaintiff has filed a Notice of Substantive Motion For Stay (D.I. 18) requesting the Court to stay the enforcement of the Memorandum Order issued by the Court on March 5, 2008<sup>1</sup>, dismissing this action<sup>2</sup>;

WHEREAS, Plaintiff appears to suggest that the Court is divested of jurisdiction during the pendency of his interlocutory appeal, and therefore, lacked jurisdiction to dismiss his underlying lawsuit;

WHEREAS, the filing of an interlocutory appeal from an order denying a preliminary injunction does not prevent the Court from

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<sup>1</sup> The Order was incorrectly dated March 5, 2007. Although Plaintiff alleges that the Court "backdated" the Order to suggest nefarious conduct by the Court, it is evident that the mistake in the date was no more than a clerical error as Plaintiff's case was not even opened until August 30, 2007.

<sup>2</sup> The Court has also received notice from the Third Circuit (D.I. 21) that the Motion is to be treated as a Notice of Appeal, in addition to a request for a stay.

proceeding with the underlying action which may include the dismissal of the underlying claims; United States v. Price, 688 F.2d 204, 215 (3d Cir. 1982);

WHEREAS, Plaintiff has clearly stated that he does not wish to have this action proceed in this Court as a civil lawsuit;

WHEREAS, in any event, the elements for a stay mirror those required for granting injunctive relief, Hilton v. Braunskill, 481 U.S. 770, 776 (1987) (holding that the factors required for a stay are "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies"), and the Court has already concluded in the context of denying Plaintiff's Motion For Preliminary Injunction, that those factors are not met in this case;

WHEREAS, Plaintiff has also not offered any new evidence demonstrating that a stay is warranted;

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Notice of Substantive Motion For Stay (D.I. 18) is DENIED.

May 14, 2008

  
UNITED STATES DISTRICT JUDGE

Exhibit A



Exhibit A

NOTICE OF APPEAL  
TO  
COURT OF APPEALS, THIRD CIRCUIT

UNITED STATES  
DISTRICT COURT  
District of Delaware  
Wilm. Division

District of Delaware

# 149129 - ED  
October 9, 2007

CIRCUIT COURT  
DOCKET NUMBER: \_\_\_\_\_

Code	Case #	Qty	Amount
APPEALS	1-07-CV-525	1 @	455.00
			455.00 CA

COURT AS FOLLOWS:

DISTRICT COURT  
DOCKET NUMBER: 07-525

Total -> 455.00

DISTRICT COURT  
JUDGE: Hon. Vel non  
Joseph J. Farnan Jr.

r. Mack L. Davis &  
a et. Al.

FROM: DENNIS L. SMITH SR.  
APPEAL #7-525

← Evidence

r. Dennis L. Smith Sr., Appeal(s) to the United

States Court of Appeals for the Third Circuit from {} Judgement, {X} Order, {}  
Other (specify) Manifest - Injustice Gravamen - based de facto inferior Erroneous plain  
erred transparent **Memorandum order**, entered in this action on September 11,  
(date)  
**2007 A. D.**

Dated: September 11, 2007 A. D.

  
(Counsel for Appellant - Signature)

Pro se  
(Name of Counsel - Typed)  
P.O. Box 311  
(Address )  
Selbyville, DE 19975  
(City, State, Zip)  
(302) 732 - 3011  
(Telephone Number)

Pro se  
(Counsel for Appellee)  
R.R. Box 103A  
(Address)  
Frankford, DE 19945  
(City, State, Zip)  
(302) 436 - 0227  
(Telephone Number)

FILED  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2007 OCT -9 PM 12:56

Exhibit B

OFFICE OF THE CLERK - LEGAL DIVISION  
**UNITED STATES COURT OF APPEALS**

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

*Exhibit B*

MARCIA M. WALDRON

CLERK

December 20, 2007

Telephone  
(215-597-2378)

Mr. Dennis Lee Smith  
P.O. Box 311  
Selbyville, DE 19975

Re: **Smith v. Meyers**  
C.A. No. 07-3999  
(D. Del. Civ. No. 07-cv-00525)

Dear Mr. Smith:

Upon further review, it appears that it would not be appropriate to submit this appeal to the Court for possible jurisdictional dismissal as you were originally advised by our letter of October 18, 2007. Rather, it appears that your appeal may be appropriate for possible summary action. Chapter 10.6 provides that the Court sua sponte (by its own action) may take summary action on an appeal if it appears that no substantial question is presented or that subsequent precedent or a change in circumstances warrants such action. Specifically, the Court may affirm, reverse, vacate, modify, or remand the judgment or order appealed.

The parties may submit written argument in support of or in opposition to such action. Any response must be received in the Clerk's Office within twenty-one (21) days from the date of this letter. Please submit to the Clerk an original and three (3) copies of any response, and a certificate of service indicating that all parties have been served with a copy of the response. All parties will be advised of any Order(s) issued in this matter.

Issuance of the briefing schedule will be stayed pending action by the Court. All parties are hereby advised that this letter does not represent a finding of appellate jurisdiction in this case. As in all cases, the panel of this Court which reviews the case on its merits will make a final determination of appellate jurisdiction.

Very truly yours,

/s/ Laura L. Greene  
LAURA L. GREENE  
Staff Attorney

(Continued)

• • •

Exhibit C

## OFFICE OF THE CLERK

MARCIA M. WALDRON  
CLERK

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790  
May 13, 2008

TELEPHONE  
215-597-2995

Peter T. Dalleo, Clerk  
United States District Court  
J. Caleb Boggs Federal Building  
Lockbox 18  
844 King Street  
Wilmington, DE 19801-3570

*Exhibit C*

Re: Smith v. Meyers  
D. Del. No. 07-cv-00525

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice, entitled "Notice of Substantive Motion for Stay", to be treated as a notice of appeal. As it appears that the document demonstrates Mr. Smith's intention to challenge the final Order of the District Court entered on March 5, 2008, in addition to being treated as a stay motion in the District Court, the document will also be treated as a notice of appeal. See Rule 3.4, Third Circuit Local Appellate Rules. **The notice should be docketed as of April 3, 2008.**

This document is being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of the document, kindly process it according to your Court's normal procedures.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Chiquita Dyer  
Legal Assistant

Enclosure

cc: Dennis L. Smith (w/out enclosure)